

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

AUSTIN MANGIN,

Plaintiff,

v.

Case No. 2:20-cv-10782
District Judge Linda V. Parker
Magistrate Judge Anthony P. Patti

AMERICAN FAMILY
CONNECT INSURANCE
COMPANY, *et al.*,

Defendants.

**ORDER GRANTING AS UNOPPOSED DEFENDANT IDS PROPERTY
CASUALTY INSURANCE COMPANY'S MOTION TO DEEM ADMITTED
ITS REQUESTS FOR ADMISSION (ECF No. 17) AND MOTION TO
COMPEL PLAINTIFF'S SIGNED AUTHORIZATIONS (ECF No. 18)**

Currently before the Court are Defendant IDS Property Casualty Insurance Company's motion to deem admitted its requests for admission (ECF No. 17) and motion to compel Plaintiff's signed authorizations (ECF No. 18), which have been referred to me (ECF No. 20).¹

According to the motions, on April 29, 2020 and May 28, 2020, respectively, counsel for Defendant served on Plaintiff its first set of requests for admission and several authorizations to be signed through Minute Man Services.

¹ Also pending before the Court is Defendant's motion to dismiss (ECF No. 19), which the Court will address under separate cover.

(ECF No. 17, PageID.48; ECF No. 18, PageID.74.) Plaintiff failed to timely respond to either, prompting counsel for Defendant to send Plaintiff a proposed stipulated order to compel responses to its requests for admission on August 3, 2020 (ECF No. 17, PageID.48), and a proposed stipulated order to compel the signed authorizations on July 28, 2020 (ECF No. 18, PageID.75). Plaintiff did not respond to Defendant regarding the proposed stipulations, nor to e-mails requesting a status conference with the Court. (ECF No. 17, PageID.48-49; ECF No. 18, PageID.75.) Accordingly, Judge Parker entered a text-only order granting Defendant permission to file appropriate discovery motions.

Defendant filed the instant motions on August 14, 2020. (ECF Nos. 17, 18.) “A response to a nondispositive motion must be filed within 14 days after service of the motion.” E.D. Mich. LR 7.1(e)(2)(B). Thus, in the absence of a scheduling order stating otherwise, Plaintiff’s responses to Defendant’s motions would have been due on or about August 28, 2020. *See* Fed. R. Civ. P. 6(a), (d). To date, Plaintiff has not responded to Defendant’s motions.

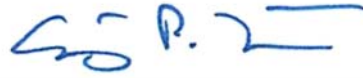
The local rules of the Eastern District of Michigan required Plaintiff to file responses if he wished to oppose Defendant’s discovery motions. *See* E.D. Mich. LR 7.1(c)(1) (“A respondent opposing a motion must file a response, including a brief and supporting documents then available.”) (emphasis added). Opposition to a motion is deemed waived if the responding party fails to respond or otherwise

oppose the motion. *See Humphrey v. United States Attorney General's Office*, 279 F. App'x 328, 331 (6th Cir. 2008). Because Plaintiff has not responded to Defendant's discovery motions, Defendant's motions can and will be construed as unopposed.

Accordingly, Defendant's motion to deem admitted its requests for admission (ECF No. 17) and motion to compel Plaintiff's signed authorizations (ECF No. 18) are **GRANTED as unopposed**. All objections are deemed waived. Defendant's requests for admission are deemed admitted pursuant to Fed. R. Civ. P. 36(a)(3), and Plaintiff must sign and execute the authorizations referenced in and attached to the motion to compel (ECF No. 18) by **TUESDAY, September 15, 2020**. Failure to do so may result in sanctions under Rule 37(b)(2), up to and including dismissal. Finally, *reasonable* costs and attorney fees are awarded to Defendant pursuant to Fed. R. Civ. P. 37(a)(5)(A). Thus, the parties are directed to meet and confer to attempt to stipulate the amount of costs and attorney fees to be awarded. If the parties cannot so stipulate by **TUESDAY, September 15, 2020**, Defendant may submit a sworn, itemized bill of costs for the Court's consideration via ECF on or before **TUESDAY, September 22, 2020**. Thereafter, any specific objections to the amount of fees or costs being sought must be filed by Plaintiff on or before **TUESDAY, October 6, 2020**.

IT IS SO ORDERED.

Dated: September 2, 2020

A handwritten signature in blue ink, appearing to read "A.P. Patti", is positioned above a horizontal line.

Anthony P. Patti
UNITED STATES MAGISTRATE JUDGE